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Review of the efficiency of the administrative and financial functioning of the United Nations

Human resources management

United Nations reform: measures and proposals

Proposed United Nations Code of Conduct

Report of the Secretary-General

Addendum

I. Introduction

1. On 28 and 29 May 1998, the Fifth Committee considered the proposed United Nations Code of Conduct in the light of the addendum to the report of the International Civil Service Commission for the year 1997 (A/52/30/Add.1). By decision 52/484 of 26 June 1998, the General Assembly decided to defer consideration of this question to the third part of its resumed fifty-second session.

2. The proposed Code of Conduct was also considered by the Staff-Management Coordination Committee constituted under staff regulation 8.2 and staff rule 108.2 (a) (ii), which met from 25 to 29 May 1998. At the initiative of staff representatives, the Committee recommended that the Secretary-General present to the General Assembly an amendment to his original proposal, removing all references to staff representatives. The rights, duties and obligations of staff representatives would be reviewed in the context of Article VIII of the Staff Regulations and Chapter 8 of the Staff Rules, which deal with staff relations, rather than under Article I of the Staff Regulations and Chapter 1 of the Staff Rules, which are to be amended by the text presently before the General Assembly. After completion of consultations with staff representatives on the subject of staff relations, any proposed amendment to Article VIII of the Staff Regulations and related changes in Chapter 8 of the Staff Rules will be submitted to the General Assembly for its consideration.

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II. Proposed revisions

3. In paragraph 48 of its comments, the International Civil Service Commission "recommended that the United Nations replace the term 'Code of Conduct', which could be misunderstood, by another, more appropriate designation". This recommendation was commented upon favourably in the Fifth Committee. Accordingly, the Secretary-General proposes to replace the term "Code of Conduct" by "Status, Basic Rights and Duties of Staff", which would more accurately reflect the contents of the proposal and avoid any inference that the document would set general standards applicable to the common system.

4. Based on the recommendation made by the Staff-Management Coordination Committee, the Secretary-General proposes to remove from his original proposal the provisions dealing with staff representatives, which appear below in italics and are set out in square brackets:

(a) Draft staff regulation 1.1 (c) (A/52/488, pages 10 and 25)

The Secretary-General shall ensure that the rights and duties of staff members, as set out in the Charter and the Staff Regulations and Rules [*as well as those of staff representatives, as set out in article VIII of the Staff Regulations and chapter VIII of the Staff Rules*] are respected.

The commentary for the above provision, which appears on page 25 of the original report, would read as follows:

1. Draft staff regulation 1.1 (c) is new.

2. The draft regulation codifies an implicit duty that falls on the Secretary-General, that is, to ensure that the rights and duties of staff members are respected. [*The provision also refers to a particular example of this obligation that is of importance to the staff associations, that is, to ensure that the rights and duties of staff representatives are respected (see also draft staff regulation 1.2 (g)).*]

(b) Draft staff regulation 1.2 (g) (A/52/488, pages 11-12, and 31)

[*Representatives of the staff, duly elected under procedures approved by the Secretary-General pursuant to staff regulation 8.1 (b), who act in conformity with the provisions of the Staff Regulations and Rules, shall enjoy protection against any discriminatory treatment or prejudicial action based on their status or their activities as staff representatives.*]

As the text of draft staff regulation 1.2 (g) would be removed in its entirety, the balance of draft staff regulation 1.2 would be renumbered accordingly.

The commentary for draft staff regulation 1.2 (g), which appears on pages 31 and 32 of the original report, would be removed in its entirety.

(c) Draft staff rule 101.2 (h) (A/52/488, pages 15 and 43)

Staff members shall not seek to influence Member States, principal or subsidiary organs of the United Nations or expert groups in order to obtain a change from a position or decision taken by the Secretary-General, including decisions relating to the financing of Secretariat programmes or units, or in order to secure support for improving their personal situation or the personal situation of other staff members, or for blocking or reversing unfavourable decisions regarding their status or their colleagues' status. [*This provision shall not abrogate the right of the representatives of staff representative bodies to address and advocate their views to legislative bodies that have authorized them to submit their views.*]

The commentary on the above provision, which appears on page 43 of the original report, would read as follows:

> [*1*] Draft staff rule 101.2 (h) reproduces provisions from the information circular of 2 February 1996 (ST/IC/1996/10) concerning conduct of staff members in relation to Member States (see the ICSAB report, paras. 18-32, in particular, paras. 25, 26 and 28). The draft rule seeks to make clear that lobbying Member States by individual staff members against positions taken by the Secretary-General is not permitted.
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> [*2. The rule does not affect the right of representatives of staff representative bodies to make submissions and advocate the position of staff to legislative bodies and other organs that have authorized such participation (such as the Fifth Committee, the International Civil Service Commission, the United Nations Joint Staff Pension Fund and so on) (ibid., paras. 29 and 30).*]